

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

JAMES EDWARD POTTS

§

V.

§

CIVIL ACTION NO. 9:06CV26

GARY L. JOHNSON

§

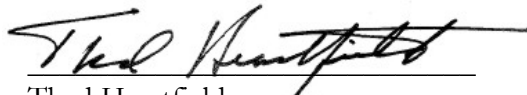
ORDER OF DISMISSAL

Came on for consideration the above-referenced civil action, this Court having heretofore ordered that this matter be referred to the United States Magistrate Judge for proper consideration. Having received the report of the United States Magistrate Judge pursuant to its order, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore,

ORDERED that the above-styled case shall be and is hereby **DISMISSED WITHOUT PREJUDICE** from the docket of this Court as to Plaintiff's right to pursue his challenges to the denial of parole and to the disciplinary cases complained of through an application for writ of habeas corpus. It is further

ORDERED the dismissal of this lawsuit not count as a strike for purposes of 28 U.S.C. § 1915(g). All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this the 12 day of **July, 2006**.


Thad Heartfield
United States District Judge